

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-cv-20450-BLOOM/Otazo-Reyes

NECHAMA KRASNIASKI,

Plaintiff,

v.

ALTER NATIVE RETAIL, LLC,  
*et al.*,

Defendants.

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**ORDER TO FILE PROOF OF SERVICE**

**THIS CAUSE** is before the Court upon a *sua sponte* review of the record. Federal Rule of Civil Procedure 4(m) requires service of the summons and complaint to be perfected upon defendants **within 90 days** after the filing of the complaint.<sup>1</sup>

On December 29, 2022, Krasniaski sued her former employers, Alter Native Retail, LLC (“ANR”), Shaya Boymelgreen, and Elyakim Boymelgreen in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County. *See* ECF No. [1-1]. On February 3, 2023, ANR removed this case to federal court. ECF No. [1]. According to the Notice of Removal, Shaya Boymelgreen and Elyakim Boymelgreen (“Defendants”) had not been served as of the date of removal. ECF No. [1] at 3. The Court sees no indication that they have been served since.

Assuming that Rule 4(m)’s 90-day service period began on the date the case was removed to federal court, *see Igbinigie v. Wells Fargo Bank, N.A.*, No. 3:08-CV-58, 2008 WL 4862597, at

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<sup>1</sup> The 90-day timeframe does not apply to service of process upon parties in a foreign country. *See* Fed. R. Civ. P. 4(m) (“This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).”).

Case No. 23-cv-20450-BLOOM/Otazo-Reyes

\*3 (M.D. Ga. Nov. 10, 2008), Plaintiff's deadline to serve Defendants is, at the latest, **May 4, 2023**.

Accordingly, it is **ORDERED AND ADJUDGED** that, within **seven (7) days** of perfecting service upon Defendants, Plaintiff shall file proof of such service with the Court. Failure to effectuate service of a summons and the complaint on Defendants by that deadline will result in dismissal without prejudice and without further notice.

**DONE AND ORDERED** in Chambers at Miami, Florida, on April 24, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

**BETH BLOOM**  
**UNITED STATES DISTRICT JUDGE**

cc: Counsel of Record